

Resolution No.:	<u>15-1538</u>
Introduced:	<u>July 11, 2006</u>
Adopted:	<u>July 11, 2006</u>

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

---

By County Council

---

**SUBJECT:** DPWT Docket No. Ab675  
Abandonment - Portion of 10-Foot Wide Path, Block 8  
Hendry Estates Subdivision, Bethesda, Maryland

**Background**

1. By letter dated August 16, 2005, from Bulman, Dunie, Burke & Feld, on behalf of its client, John A. Moore III and Brianna M. Moore, the Applicant, application to the County was made to abandon a portion a 10-foot wide, unimproved path in Block 8 between Lot 12 and Lot 13 of the Hendry Estates subdivision in Bethesda. The subject area is shown on the attached Tax Map GP61.
2. A public hearing to consider the abandonment proposal was conducted on March 2, 2006, by the designee of the County Executive.
3. The Police Department did not comment within 60 days.
4. The Washington Suburban Sanitary Commission had no objection.
5. Washington Gas did not comment within 60 days.
6. PEPCO had no objection.
7. Verizon did not comment within 60 days.
8. The Maryland-National Capital Park and Planning Commission recommended denial based upon a possible future need for a pedestrian path.
9. The Department of Public Works and Transportation conditioned approval upon the County's reservation of rights for any County storm drain facilities or public utility facilities within the area.
10. Department of Fire & Rescue Services did not comment within 60 days.

11. The Wyngate Citizens' Association, after considering the possibility of a paved path through the right-of-way, decided against a paved path and expressed no objection to the abandonment.
12. The County Executive recommends approval of the proposed abandonment.

**Action**

The County Council for Montgomery County, Maryland, finds that the portion of a 10-foot wide, unimproved path in Block 8 between Lot 12 and Lot 13 of the Hendry Estates subdivision of Bethesda as shown on the attached Tax Map GP61, is no longer necessary for public use, pursuant to Section 49-62 and Section 49-63 of the Montgomery County Code (2004), as amended, and approves the abandonment subject to the following conditions:

1. The Applicant shall record all necessary easements and if necessary relocate facilities for any affected public utility companies and Montgomery County for storm drainage facilities in place, as well as proposed facilities, for purposes of repair and maintenance.
2. The Applicant shall bear all costs for the preparation and recordation of all necessary easement documents and plats. Within twenty-four (24) months from the date of this Resolution applicant must file a plat of abandonment incorporating the former right-of-way.
3. The County Attorney shall record among the Land Records of Montgomery County, Maryland, a copy of the Resolution approving abandonment of the subject area, subject to the reservation of rights specified in this Resolution.
4. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

Attachment – Description

This is a correct copy of Council Action.

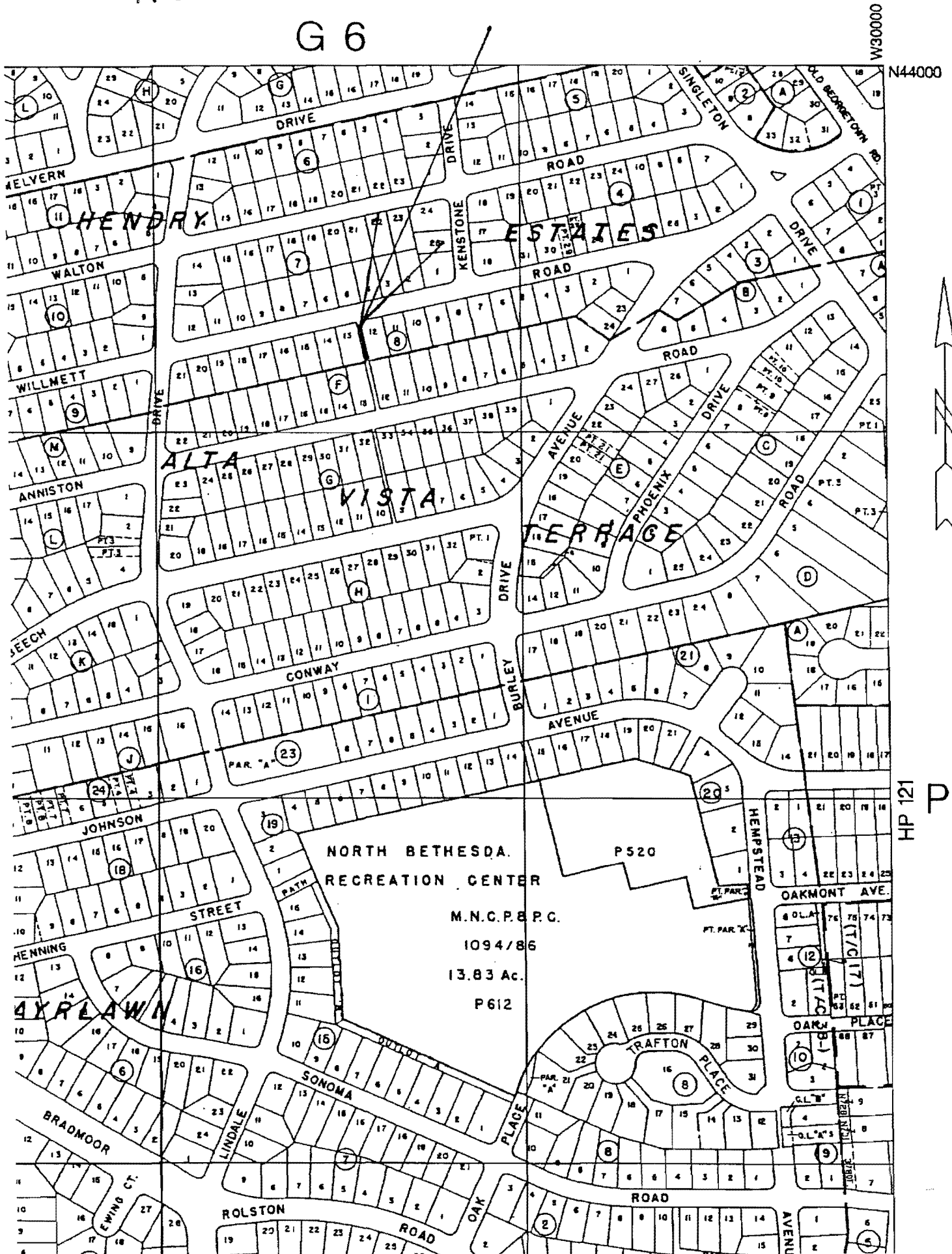


---

Linda M. Lauer, Clerk of the Council

AB 675 10-Foot Path

G 6



P 1